

ALVIE FORBIS and wife, MARGARET
MARIE FORBIS,

V.

Defendants.

No. 3:04-CV-582
(Shirley)

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 10]. This matter came before the Court for a hearing on the defendant's motions in limine on April 18, 2006.

With respect to the defendant's first motion in limine, the plaintiff agreed that the motion had merit and that any evidence regarding any OSHA standard violations should not be admissible at trial. Accordingly, Defendant's First Motion in Limine [Doc. 45] is **GRANTED**.

In its second motion in limine, the defendant seeks to exclude any mention of injuries or medical expenses sustained by the plaintiff except those injuries and medical expenses related to his left bicep. [Doc. 46]. The parties agree that the plaintiff's bicep injury is causally related to the incident which is the subject of this litigation. The parties further agree that the plaintiff's neck and knee injuries are not causally related. The defendant disputes that the plaintiff's shoulder/rotator cuff injury is related to the incident and seeks to exclude the testimony of Dr. Hamidian, plaintiff's

treating physician, regarding that injury. The plaintiff requests leave to re-depose Dr. Hamidian to clarify his testimony. The defendant requests leave to re-depose Dr. Huffnagle as well.

For good shown, the parties' oral requests to re-depose Dr. Hamidian and Dr. Huffnagle are **GRANTED**. Accordingly, Defendant's Second Motion in Limine [Doc. 46] is **DENIED AS MOOT**.

The Court finds that this case is suitable for referral to mediation pursuant to E.D. TN LR 16.4. Accordingly, the parties are hereby **ORDERED** to participate in a mediation on or before **June 7, 2006**. The trial of this matter is hereby **CONTINUED** to **September 19, 2006** in order to allow the parties to engage in mediation and to allow the plaintiff time to complete his medical treatment. A pretrial conference will be held on **August 22, 2006 at 1:30 p.m.**

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge